IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INCOME TAX APPEAL NO.730 OF 2002

The Commissioner of Income Tax-13,
Mumbai. .. Appellant

v/s.

Shri Shaukat S. Topiwala .. Respondent

Mr.R.Asokan i/by Mr.K.B.Rao for appellant.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 9th September, 2004

P.C.

Heard.

2. In the memo of appeal, the following substantial question of law has been proposed:

> "Whether on the facts and in the circumstances of the case and in law, the ITAT erred in allowing the appeal of the assessee and allowing deletion of Rs.8 lakhs from the taxable income, the same being the compensation received by the assessee on surrender of his tenancy rights?"

3. The aforesaid question stands answered by the Division Bench judgment of this court in Cadell Weaving Mill Co.P.Ltd. v. Commissioner of Income Tax, 249 ITR 265.

4. However, the learned counsel for the revenue submits that the said judgment is under challenge before the Supreme Court.

5. In so far as we are concerned, the issue stands concluded by the Division Bench judgment of this court.

6. No substantial question of law arises. Dismissed in limine.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)